

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No 1847.001.00
 First Inventor or Application Identifier Christopher M. Rowden
 Title Method and System of Producing a Landscape Plan

U.S. PTO
 09/01/00
 09/654571

09/01/00
 U.S. PTO

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO: Assistant Commissioner for Patents
 Box Patent Application
 Washington, DC 20231

- Fee Transmittal Form (e.g. PTO/SB/17)
 (Submit an original and a duplicate for fee processing)
- 2. Specification Total Pages
- 3. Drawing(s) (35 U.S.C. 113) Total Sheets
- 4. Oath or Declaration Total Pages
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 C.F.R. §1.63(d))
 (for continuation/divisional with box 15 completed)
 - i. DELETION OF INVENTOR(S)
 Signed statement attached deleting inventor(s) named
 in the prior application, see 37 C.F.R. §1.63(d)(2) and
 1.33(b).
- 5. Incorporation By Reference (usable if box 4B is checked)
 The entire disclosure of the prior application, from which a copy of the
 oath or declaration is supplied under Box 4B, is considered to be part
 of the disclosure of the accompanying application and is hereby
 incorporated by reference therein

ACCOMPANYING APPLICATION PARTS

- 6. Assignment Papers (cover sheet & document(s))
- 7. 37 C.F.R. §3.73(b) Statement Power of Attorney
 (when there is an assignee)
- 8. English Translation Document (if applicable)
- 9. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
- 10. Preliminary Amendment
- 11. White Advance Serial No. Postcard
- 12. Small Entity Statement(s) Statement filed in prior application. Status still proper and desired.
- 13. Certified Copy of Priority Document(s)
 (if foreign priority is claimed)
- 14. Other: Check in the amount of \$345.00
 Check in the amount of \$130.00
 Petition Under 37 CFR §1.84(a)(2)

15. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:

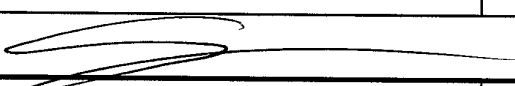
Continuation Divisional Continuation-in-part (CIP) of prior application no.:
 Prior application information: Examiner: Group Art Unit:

16. Amend the specification by inserting before the first line the sentence:

- This application is a Continuation Division Continuation-in-part (CIP)
 of application Serial No. Filed on
- This application claims priority of provisional application Serial No. Filed

17. CORRESPONDENCE ADDRESS

LONG ALDRIDGE & NORMAN LLP
 701 Pennsylvania Avenue, N.W.
 Washington, D.C. 20004
 (202) 624-1200
 FACSIMILE: (202) 624-1298

Name:	Kenneth D. Springer	Registration No.:	39,843
Signature:		Date:	September 1, 2000
Name:	Song K. Jung	Registration No.:	35,210

APPLICANT OR PATENTEE: Christopher Morgan Rowden
SERIAL OR PATENT NO: _____ ATTORNEY DOCKET NO.: 1874.001.00
FILED OR ISSUED: _____
FOR: Method and System of Producing a Landscape Plan

Verified Statement (Declaration) Claiming Small Entity Status
(37 CFR §1.9(f) and §1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR §1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled
Method and System of Producing a Landscape Plan DESCRIBED IN

- THE SPECIFICATION FILED HEREWITH
- APPLICATION SERIAL NO.: _____, FILED: _____
- PATENT NO.: _____, ISSUED: _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR §1.9(d) or a nonprofit organization under 37 CFR §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- NO SUCH PERSON, CONCERN, OR ORGANIZATION
- PERSONS, CONCERNS OR ORGANIZATIONS LISTED BELOW*

*Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to the status as small entities. (37 CFR §1.27).

FULL NAME: _____
ADDRESS: _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME: _____
ADDRESS: _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME: _____
ADDRESS: _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed

NAME OF INVENTOR: Christopher Morgan Rowden

SIGNATURE:  DATE: 8/31/00

09/15/00 "T 2759560"

S P E C I F I C A T I O N

TITLE OF THE INVENTION

METHOD AND SYSTEM OF PRODUCING A LANDSCAPE PLAN

BACKGROUND OF THE INVENTION

1) Field of the Invention

This invention pertains to the field of landscape planning and, more particularly, to a method and system of producing a non-specific landscape plan.

2) Description of the Related Art

Landscape planning has been called the art of arranging the environment to support human behavior. Landscape plans are design drawings that show the boundaries, outlines, dimensions, contours, positions, and other characteristics of a defined area and its structures, remaining natural vegetation, and plantings. When drawing a landscape plan, one draws a symbol for each plant, and identifies it by genus, species, and if applicable, variety.

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Landscape plans are produced by landscape architects who are typically licensed in the state(s) in which they practice. Most landscape architects have been through a college program of at least four years, and are required to pass a complex test that requires knowledge in many areas of landscaping. Typically, the landscape architect will be knowledgeable about site planning, grading, drainage, hardscapes, irrigation systems, lighting and plant materials. As there are many differences in the trees, plants, shrubs, grasses, etc. that grow in different states and geographical regions, it is usually impractical for a landscape architect to be licensed or practice in all states.

In many smaller communities, there may be no locally available landscape architect. Moreover, landscape planning can be relatively expensive, with fees of up to \$100/hour not uncommon.

Accordingly, it would be advantageous to provide an improved system and method of landscape design and producing landscape plans. It would also be advantageous to provide such a system and method which facilitates the production of landscape plans from landscape architects licensed in and located in states which are remote from the property for which the plan is produced. It

would be still further advantageous to provide such a system and method which facilitates the production of landscape plans by a landscape architect for properties located in geographical areas with which the architect is unfamiliar. It would be still
5 further advantageous to provide such a system and method which can reduce the costs of producing a landscape plan. Other and further objects and advantages will appear hereinafter.

SUMMARY OF THE INVENTION

The present invention comprises a system and method of producing a landscape plan.

In one aspect of the invention, a process for producing a landscape plan comprises creating a set of generic plant categories, assigning a unique symbol to each generic plant category, and producing the landscape plan by indicating
15 locations for plants using said symbols.

In another aspect of the invention, a process for producing a landscape plan comprises creating a set of symbols each corresponding to a generic landscape element, and producing the landscape plan by indicating locations for generic landscape

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elements using said symbols. Landscape elements include not only plants, but hardscape elements such as retaining walls, sidewalks, driveways, patios, pools, ponds, etc.

In yet another aspect of the invention, a process for producing a landscape plan for a property comprises creating a set of generic plant categories, assigning a unique symbol to each generic plant category, communicating from a customer to a landscape architect a survey of the property, a photograph of the property, and a list of desired landscape characteristics for the property, and producing the landscape plan for the property, the landscape plan using the symbols to indicate locations where plants should be located.

BRIEF DESCRIPTION OF THE DRAWINGS

The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

Figure 1 is a flowchart for producing a landscape plan;

Figure 2 is an exemplary plat map for a property;

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"texture"), and whether the plant is deciduous or evergreen. In a preferred embodiment, plants are divided as shown in Table 1.

TABLE 1

TYPE	SIZE	LEAF TEXTURE
Shrub	< 36"	Small
Shrub	< 36"	Medium
Shrub	< 36"	Large
Shrub	36" to 72"	Small
Shrub	36" to 72"	Medium
Shrub	36" to 72"	Large
Shrub	> 72"	Small
Shrub	> 72"	Medium
Shrub	> 72"	Large
Tree	< 20'	- - -
Tree	20' to 50'	- - -
Tree	> 50'	- - -

Moreover, the plants of Table 1 may be further divided into deciduous plants, and evergreen plants to produce up to 24 generic plant categories. Thus, a number of predefined generic plant categories are established.

In a second step 120, a unique symbol is assigned to each generic plant category. The unique symbols may be geometric

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shapes, such as triangles, circles, squares, hexagons, etc. or various sizes and/or colors. Alternatively, the symbols may be graphical images, such as a generic tree image, a generic shrub image, etc. The unique symbols are to be used in drawing the landscape plan to indicate where various plants belonging to the generic plant categories should be located on the property.

The unique symbols may have two variations, one for indicating an evergreen plant and a second for indicating a deciduous plant. In a preferred embodiment, a letter "E" or "D" may be associated with each unique symbol to indicate whether a plant is an evergreen or deciduous, respectively.

In a third step 130, unique symbols are assigned to materials used for various hardscape elements. Hardscape elements may include retaining walls, sidewalks, driveways, patios, pools, ponds, etc. A unique symbol may be assigned for each different material, such as brick, stone, concrete, asphalt, etc. In the preferred embodiment process, landscape plans are produced which do not specify a specific type, color, or pattern of the materials used.

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Thus, through the steps 110-130, a set of unique symbols is created, with each unique symbol corresponding to a generic landscape element, where a generic landscape element may be a plant or a hardscape element. Figure 4 illustrates an embodiment of a legend of unique symbols representing generic landscape elements in a landscape plan according to one or more aspects of the present invention.

In a fourth step 140, a customer communicates to a landscape architect both customer information and information regarding a property for which the customer wants a landscape plan to be prepared.

In a preferred embodiment, the customer contacts the landscape architect via a computer connected to a landscape plan Web site. In that case, the Web site may transmit to the customer's computer a "customer information questionnaire" Web form, including data entry boxes for the customer to enter his/her name and contact information, such as mailing address, fax number, e-mail address, etc. Preferably, the customer information questionnaire web form includes one or more data entry boxes for the customer to supply billing information, such as a credit card number and expiration date.

The customer completes the customer information questionnaire and transmits the completed customer information questionnaire back to the landscape plan Web site.

Alternatively, the customer may manually fill out the customer information questionnaire and send it by mail or fax back to an address or fax number supplied by the landscape plan Web site.

The landscape plan Web site also transmits to the customer's computer a property information questionnaire, including questions regarding features or characteristics which the customer desires in the landscape plan. Preferably, the property information questionnaire includes a list of various elements (e.g., pool, deck, retaining walls, sidewalks, driveway, lighting, drainage, plants, etc.) and the customer clicks on boxes next to each desired element.

The customer completes the property information questionnaire and transmits the completed property information questionnaire back to the landscape plan Web site. Alternatively, the customer may manually fill out the property information questionnaire and send it by mail or fax back to an address or fax number supplied by the landscape plan Web site.

In the preferred embodiment, the landscape plan Web site transmits an instructions Web page to the customer's computer listing additional information which the customer needs to furnish for the landscape plan to be produced. The customer is instructed to supply a property survey or plat map, and at least one photograph of the property. Figure 2 shows an exemplary plat map which may be supplied by a customer. Preferably, the instructions Web page also includes instructions for the customer to take pictures of the property, describing the preferred vantage points and how the pictures should be ordered or labeled. The Web site may also transmit to the customer an e-mail address where the customer may send the required information regarding the property, including the property survey and photographs. Alternatively, the customer may send the required information regarding the property, including the property survey and photographs, by mail or fax back to an address or fax number supplied by the landscape plan Web site.

In a fifth step 150, the landscape architect generates a generic landscape plan for the property from the property survey and the photographs. Figure 3 shows an exemplary landscape plan generated using symbols to represent landscape elements. The landscape plan 300 includes a plurality of landscape elements,

each shown as a unique symbol according to the legend shown in Figure 4. For example, the landscape plan includes a symbol for each plant, indicating its location on the property. The unique symbol chosen indicates a generic plant category to which the plant belongs. Similarly, the landscape plan shows the location, size, and shape of various hardscape elements, and uses symbols to indicate a general type of material to be used (e.g., "brick"), but does not specify the exact material by color, pattern, etc.

In a preferred embodiment, the landscape plan supplied by the landscape architect includes a legend, such as the legend shown in Figure 4 for example, identifying a generic landscape element corresponding to each unique symbol included on the plan. Preferably, the landscape plan also includes some general notes that may further assist the customer to select the particular plants and materials to be used to implement the landscape plan (e.g., information on desired flower colors, fragrances, etc.).

Also, in a preferred embodiment, the landscape plan has associated therewith a list of plants that belong to the each of the generic plant categories identified by a symbol on the landscape plan. In a preferred embodiment, the landscape plan

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Web site includes a general list of plants that belong to the each of the generic plant categories. The list may also include pictures of some or all of the plants. The list may be used by the customer to help choose an appropriate plant based upon the symbols indicated on the landscape plan, even though some or all of the plants may be unavailable in the area where the customer's property is located.

In a step 160, the landscape architect communicates the landscape plan, including the legend, to the customer. In a preferred embodiment, the landscape plan is sent to an e-mail address specified by the customer in the step 140 above. Alternatively, the landscape plan Web site may include individual Web pages for each customer to log-in and retrieve their landscape plan. Or the landscape plan may be sent by regular mail or facsimile to the customer.

When the customer receives the landscape plan, he/she can take it to a local nursery and/or building material supply center to select the particular plants and materials to be used to implement the landscape plan. The description of the generic landscape element corresponding to each symbol in the legend will guide the customer to selecting appropriate plants and materials.

Through the present invention, many benefits are possible. A plan may be produced by a landscape architect operating in a distant region of the country from where a property is located, even when the landscape architect is completely unfamiliar with exactly what plants are available in the area. Moreover, because
5 the landscape architect does not have to specify particular plants and hardscape materials, the cost of preparing the landscape plan can be significantly reduced.

While preferred embodiments are disclosed herein, many variations are possible which remain within the concept and scope of the invention. Such variations would become clear to one of ordinary skill in the art after inspection of the specification, drawings and claims herein. The invention therefore is not to be restricted except within the spirit and scope of the appended claims.

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CLAIMS

What is claimed is:

1 1. A process for producing a landscape plan for a property,
2 comprising:

3 defining a set of generic plant categories;

4 assigning a corresponding unique symbol to each generic
5 plant category, defining a set of unique symbols;

6 receiving from a customer a survey of the property, a
7 photograph of the property, and a list of desired landscape
8 characteristics for the property; and

9 generating the landscape plan for the property, the
10 landscape plan using the unique symbols to indicate locations on
11 the property where plants should be located.

1 2. The process of claim 1, wherein the generic plant
2 categories are defined according to a plant size.

1 3. The process of claim 2, wherein the generic plant
2 categories are defined according to a leaf texture.

1 4. The process of claim 1, wherein the set of generic plant
2 categories are divided into a first subset of plant categories
3 corresponding to deciduous plants, and a second subset of generic
4 plant categories corresponding to evergreen plants.

1 5. The process of claim 4, wherein the unique symbols
2 identify the deciduous plants and the evergreen plants.

1 6. The process of claim 1, further comprising assigning a
2 second set of unique symbols each corresponding to a type of
3 hardscape material, wherein the landscape plan uses the second
4 set of unique symbols to indicate hardscape materials to be used
5 for hardscape elements indicated on the landscape plan.

1 7. The process of claim 1, wherein the landscape plan
2 includes a legend identifying each symbol.

1 8. The process of claim 1, further comprising providing a
2 list of specific plants belonging to each generic plant category.

1 9. A process for producing a landscape plan for a property,
2 comprising:
3 defining a set of generic plant categories;

4 assigning a symbol to each generic plant category; and
5 producing the landscape plan by indicating via said symbols
6 locations for plants on said property.

1 10. The process of claim 9, wherein the generic plant
2 categories are defined according to a plant size.

1 11. The process of claim 10, wherein the generic plant
categories are defined according to a leaf texture.

1 12. The process of claim 9, wherein the set of generic
plant categories are divided into a first subset of plant
categories corresponding to deciduous plants, and a second subset
of generic plant categories corresponding to evergreen plants.

1 13. The process of claim 12, wherein the unique symbols
2 identify the deciduous plants and the evergreen plants.

1 14. The process of claim 9, further comprising assigning a
2 second set of unique symbols each corresponding to a type of
3 hardscape material, wherein the landscape plan uses the second
4 set of unique symbols to indicate hardscape materials to be used
5 for hardscape elements indicated on the landscape plan.

1 15. The process of claim 9, wherein the landscape plan
2 includes a legend identifying each symbol.

1 16. The process of claim 9, further comprising providing a
2 list of specific plants belonging to each generic plant category.

1 17. A process for producing a landscape plan for a
property, comprising:

 defining a set of symbols, each symbol corresponding to a
generic landscape element, and

 producing the landscape plan by indicating via said symbols
locations for the generic landscape elements on said property.

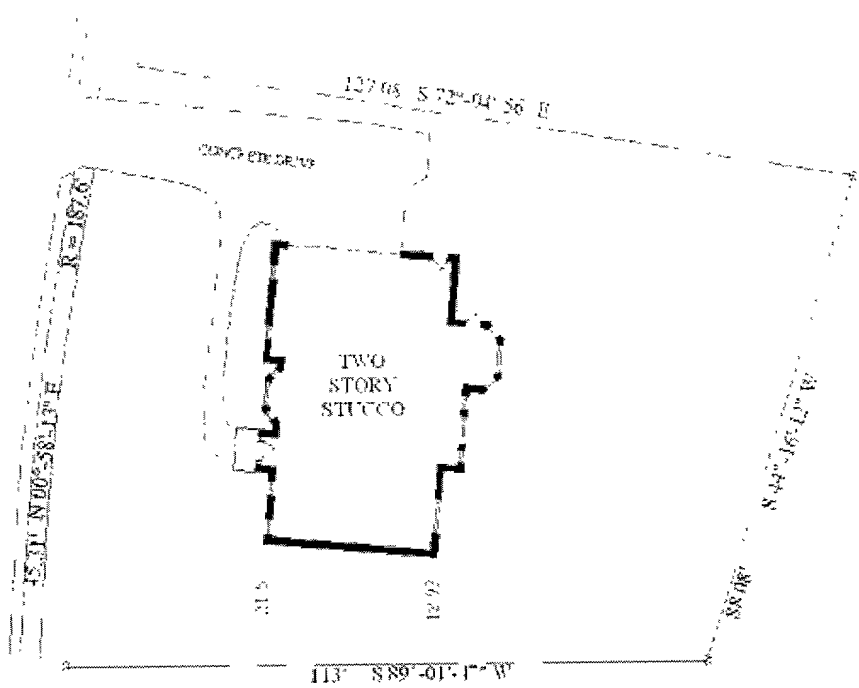
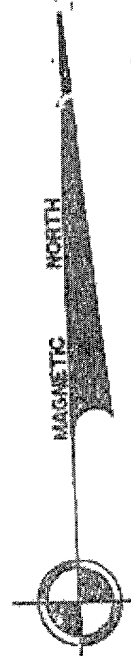
2 18. The process of claim 17, wherein the set of symbols
3 includes a first subset of symbols corresponding to a set of
4 generic plant categories, and a second subset of symbols
corresponding to a type of hardscape material.

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CURVE	RADIUS	LENGTH	CHORD	CH. BEARING
A	214.50'	36.18'	36.14'	N44°39'41"W
B	462.90'	26.13'	26.13'	N47°52'35"W

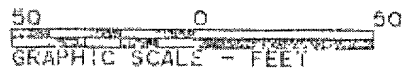
AREA: 25,462 S.F.
ORIGINAL LOT ONLY
 PB 205, PGS 63 - 65

COURSE	BEARING	DISTANCE
1	N49°29'36"W	62.29'
2	S 34°15'20"E	8.91'
3	S 55°44'40"W	37.00'
4	S 85°02'03"W	34.19'
5	S 62°25'10"W	18.00'
6	N 62°25'10"E	67.27'



Legend

RES	Rebar set	SSC	Sanitary sewer coat
REY	Rebar fnd	R/W	Right-of-way
OTPF	Open top pipe fnd	PB/PD	Plat book/page
OPTS	Open top pipe set	CONC	Concrete
CTPF	Crimped top pipe fnd	DK	Deck
CTPS	Crimped top pipe set	PAT	Patio
BL	Building line	P	Porch
DE	Drainage easmt	S	Sweep
UE	Utility easmt	-X-	Fence

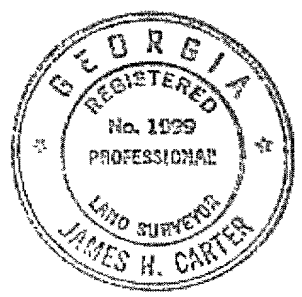


99080229 L&S

THE CARTER GROUP
 3761 Venture Drive
 Suite 120
 Duluth, GA 30096

SURVEY FOR: SMITH RESIDENCE

SUB SENTINEL FERRY
 LOT 65
 BLOCK
 UNIT
 LAND LOT 384 5th DISTRICT
 FULTON COUNTY, GEORGIA



*The field data upon which this plat is based has a closing precision of one foot in 250,000 feet and an angular error of 1 second per minute per arc and was adjusted using the Compass Rule.
 *This plat has been calculated for closing and is found to be accurate within one foot in 250,000 feet.
 *Elevations used: Topcon GTS 303 Total Station
 This is to certify that this property is NOT located in a Zone A Flood Hazard Area per FEMA's CFR Manual.
 No [] Elected []

SCALE 1" = 50' DATE: 10/18/99
 In my opinion, this plat is a correct representation of the land platted
 10/18/99
 Reg. Land Surveyor No. 1979

FIGURE 2

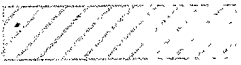

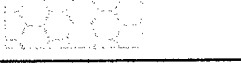










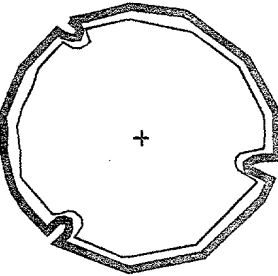
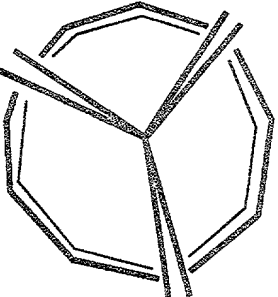
Symbol	Key	Quantity	Plant Type	Characteristics
	ACB	77	Annual Color Bed	Annual Flowers
	EGC	76	Evergreen Ground Cover	Spreading evergreen plant material up to 18" in height
	DGC	21	Deciduous Ground Cover	Spreading deciduous plant material up to 18" in height
	PB	26	Perennial Bed	Perennial flowering plants
	SsFt	77	Small Shrub Fine Texture	Shrub up to 36" in height, and 36" wide Leaf size less than 3/4"
	SsMt	76	Small Shrub Medium Texture	Shrub up to 36" in height, and 36" wide Leaf size 3/4" - 2"
	SsCt	21	Small Shrub Coarse Texture	Shrub up to 36" in height, and 36" wide Leaf size greater than 2"
	MsFt	26	Medium Shrub Fine Texture	Shrub 36" - 60" in height, 36" - 60" wide Leaf size less than 3/4"
	MsMt	12	Medium Shrub Medium Texture	Shrub 36" - 60" in height, and 36" - 60" wide Leaf size 3/4" - 2"
	MsCt	27	Medium Shrub Coarse Texture	Shrub 36" - 60" in height, and 36" - 60" wide Leaf greater than 2"
	LsFt	0	Large Shrub Fine Texture	Shrub greater than 60" in height, and 60" wide Leaf diameter less than 3/4"
	LsMt	7	Large Shrub Medium Texture	Shrub greater than 60" in height, and 60" wide Leaf size 3/4" - 2"
	LsCt	23	Large Shrub Coarse Texture	Shrub greater than 60" in height, and 60" wide Leaf size greater than 2"
	SmTree	19	Small Tree	Less than 25ft tall
	MedTree	5	Medium Tree	25 - 40ft tall
	LgTree	1	Large Tree	Greater than 40ft tall

FIGURE 4

Docket No.:1874.001.00

Declaration, Power of Attorney and Petition

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Method and System of Producing a Landscape Plan

the specification of which

- is attached hereto.
- was filed on _____
as Application Serial No. _____
and amended on _____
- was filed as PCT international application
Number _____
on _____
and was amended under PCT Article 19
on _____ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed	
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

001874.001.00

